IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CONTEMPT PETITION NO.12 OF 2007

IN

NOTICE OF MOTION NO.3948 OF 2006

IN

SUIT NO.3446 OF 2005

...

Shri Rajay Parab ...Petitioner

v/s.

1.GMAC Financial Services India Ltd. and ors. ...Respondents

...

Mr.A.R.Mishra for the Petitioner.

...

CORAM: D.K.DESHMUKH, J.

DATED: 12TH FEBRUARY,2007

P.C.:

1. The Petitioner by this petition alleges that the Respondents have willfully violated the order dated

15-12-2006 passed by this Court in Notice of Motion No.3948 of 2006. By that order the Notice of Motion was granted in terms of prayer clause (a).

2. Prayer clause (a) has been reproduced by the Petitioner in his letter at Exh.D to the petition. By that order the Defendants were directed to issue NOC in respect of the vehicle of which number is mentioned in the prayer. Defendant No.1 is a company incorporated under the Companies Act. Though the Respondents Nos. 2 to 6, who are officers of the Defendant No.1 company have been joined as Respondents in the petition, there is no averment made as to who on behalf of the Respondent No.1 had authority to issue NOC.

3. The allegation of disobedience of the order passed by this court can be made only against the person who under the law was obliged and had power to comply with the court’s order. Therefore, it was for the Petitioner to indicate as to who had the authority to issue the NOC. Without any inquiry the Petition has been filed making vague allegations. Contempt petition on the basis of such vague allegations cannot be entertained. It is disposed

of.

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